



## **AGENDA ITEM SUMMARY FORM**

**File ID: #6450**

**Date:** 08/27/2019

**Requesting Department:** Department of Police

**Commission Meeting Date:** 10/10/2019

**Sponsored By:**

**District Impacted:** All

**Type:** Resolution

**Subject:** Sole Source - Pen-Link Software, Hardware and Maintenance

### **Purpose of Item:**

The nature of this item is to authorize a resolution of the Miami City Commission, with attachment(s), by a four-fifths ("4/5ths") affirmative vote, pursuant to Section 18-92 of the Code of the City of Miami, Florida, as amended, after an advertised public hearing, ratifying, approving and confirming the City Manager's finding of a sole source; waiving the requirements for competitive sealed bidding procedures and approving the request to enter into a purchase agreement with Pen-Link, Ltd. Corp. ("Pen-Link") for the software, hardware and maintenance to gather vital information from Global Positioning System ("GPS") towers, for the City of Miami Police Department ("Police"). Authorizing the City Manager to negotiate and execute all other documents, including amendments and renewals, subject to allocations, appropriations and budgetary approval having been previously made, and in compliance with applicable provisions of the code of the City of Miami, Florida, as amended ("City Code"), including the City of Miami's Procurement ordinance, Anti-Deficiency Act, and Financial integrity principles, all as set forth in Chapter 18 of the City Code, in a form acceptable to the City Attorney, and in compliance with applicable regulations, as may be necessary for said purpose.

### **Background of Item:**

Police along with other municipalities have been utilizing the Miami-Dade County Police Department's ("MDPD") access to Pen-Link for numerous years. However, in recent months the shared access has been restricted and Police has been advised it will be discontinued due to overtime budgeting restriction at MDPD. After conducting market research, the Department of Procurement ("Procurement") found that Pen-Link was a viable resource to gather vital information from GPS towers and is the sole source provider for a software which is compatible with the MDPD, Florida Department of Law Enforcement, various federal law enforcement agencies as well as many other South Florida municipalities who also use this software. The Pen-Link software is the only system in the industry that is capable of intercepting, processing and analyzing both Telco and IP Data all in one comprehensive platform with "Real Time" information. Pen-Link also supports all United States Communications Assistance for Law Enforcement Act ("CALEA") delivery standards, European electronic surveillance delivery standards, as well as, South and Central American delivery standards. Procuring the Software will help Police solidify evidence on criminal suspects and assist in the prosecution of State and Federal investigations such as missing persons, abductions/kidnappings, homicides, robberies, and other related crimes.

### **Budget Impact Analysis**

Item is an Expenditure  
Item is NOT Related to Revenue  
Item is NOT funded by Bonds

**Total Fiscal Impact:**

Approximately \$70,600.00 initial purchase

General Account No.:00001.191501.544000.0000.00000

**Reviewed By**

Department of Police	Ronald Papier	Police Chief Review	Completed	08/27/2019 7:14 PM
Department of Police	Ronald Papier	Department Head Review	Completed	08/27/2019 7:15 PM
Office of Management and Budget	Luis Hernandez-Torres	Budget Analyst Review	Completed	09/12/2019 4:48 PM
Department of Procurement	Annie Perez	Procurement Review	Completed	09/20/2019 9:28 AM
Office of Management and Budget	Christopher M Rose	Budget Review	Completed	09/26/2019 4:40 PM
City Manager's Office	Nikolas Pascual	City Manager Review	Completed	09/26/2019 8:20 PM
Legislative Division	Valentin J Alvarez	Legislative Division Review	Completed	09/30/2019 7:47 AM
Office of the City Attorney	Valentin J Alvarez	Deputy City Attorney Review	Skipped	09/30/2019 7:47 AM
Office of the City Attorney	Victoria Méndez	Approved Form and Correctness	Completed	09/30/2019 5:04 PM
City Commission	Todd B. Hannon	Meeting	Pending	10/10/2019 9:00 AM



# City of Miami

## Legislation

### Resolution

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
[www.miamigov.com](http://www.miamigov.com)

**File Number: 6450**

**Final Action Date:**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, PURSUANT TO SECTION 18-92 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, APPROVING AND CONFIRMING THE CITY MANAGER'S FINDING OF A SOLE SOURCE, ATTACHED AND INCORPORATED AS EXHIBIT "A," WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING PROCEDURES, AND APPROVING THE PROCUREMENT OF SOFTWARE, HARDWARE AND MAINTENANCE FROM PEN-LINK, LTD. CORP. ("PEN-LINK"); ALLOCATING FUNDS FROM CITY OF MIAMI POLICE ("MPD") GENERAL FUND, SUBJECT TO THE AVAILABILITY OF FUNDS AND BUDGETARY APPROVAL AT THE TIME OF NEED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CITY OF MIAMI'S ("CITY") ADDENDUM TO PEN-LINK'S QUOTE, IN SUBSTANTIALLY THE ATTACHED FORM; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL OTHER DOCUMENTS, INCLUDING ANY AMENDMENTS, AND RENEWALS, SUBJECT TO ALLOCATIONS, APPROPRIATIONS, AND BUDGETARY APPROVAL HAVING BEEN PREVIOUSLY MADE, AND IN COMPLIANCE WITH APPLICABLE PROVISIONS OF THE CITY CODE, INCLUDING THE CITY OF MIAMI'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, ALL AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH APPLICABLE REGULATIONS, AS MAY BE NECESSARY FOR SAID PURPOSE.

WHEREAS, pursuant to Section 18-92 of the Code of the City of Miami, Florida, as amended ("City Code"), the City Manager has made a finding, attached and incorporated as Exhibit "A," that Pen-Link, Ltd ("Pen-Link") is the sole source manufacturer of Pen-Link Software ("Software"); and

WHEREAS, Miami Police Department ("MPD") and other municipalities have been utilizing the Miami-Dade County Police Departments ("MDPD") access to Pen-Link's Software for numerous years; and

WHEREAS, in recent months shared access has been restricted, and MPD has been advised it will be discontinued due to overtime budgetary restrictions; and

WHEREAS, MPD has a need to purchase two (2) Software Licenses and Servers; and

WHEREAS, the purchase of the Software and servers will assist MPD to solidify evidence on criminal suspects and to assist prosecution of the State and Federal investigations, such as missing persons, abductions/kidnappings, homicides, robberies and other related cases; and

WHEREAS, the City Manager and the Chief Procurement Officer recommend that the requirements for competitive sealed bidding procedures be waived and that the procurement of the above system, as specified be approved; and

WHEREAS, the sole source recommendation of the City Manager and the Chief Procurement Officer that makes the finding that no other sources of goods or services could be obtained to meet the City's requirements and this sole source is in compliance the provisions of Section 18-192 of the City Code "Sole -source contracts"; and

WHEREAS, following a published noticed made at least fifteen (15) days prior to the award, the City Commission is ratifying and approving, by a 4/5<sup>th</sup> affirmative vote, the waiver of competitive sealed bidding procedures as a sole source;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. By a four-fifths (4/5ths) affirmative vote, pursuant to Section 18-92 of the Code of the City of Miami, Florida, as amended ("City Code"), after an advertised public hearing, the City Manager's finding of a sole source, is ratified, approved, and confirmed, the requirements for competitive sealed bidding procedures are waived, and the request to purchase Pen-Link software, hardware and maintenance for MPD, from Pen-Link, the sole source manufacturer of Software, is approved.

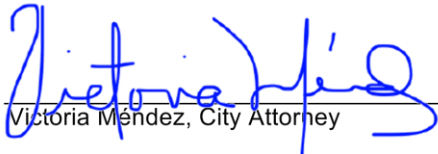
Section 3. Funds to be allocated from MPD's general fund account, subject to the availability of funds and budgetary approval at the time of need.

Section 4. The City Manager is authorized<sup>1</sup> to execute the City's addendum to Pen-Link's quote in substantially the attached form.

Section 5. The City Manager is further authorized<sup>1</sup> to negotiate and execute all other documents, including any amendments, renewals, and extensions, subject to allocations, appropriations, and budgetary approval having been previously made, and in compliance with applicable provisions of the City Code, including the City's Procurement Ordinance, Anti-Deficiency Act, and Financial Integrity Principles, all as set forth in Chapter 18 of the City Code, in a form acceptable to the City Attorney, and in compliance with applicable regulations, as may be necessary for said purpose.

Section 6. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Mendez, City Attorney 9/30/2019

<sup>1</sup> The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

<sup>2</sup> This Resolution shall become effective as specified herein unless vetoed by the Mayor within (10) days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.